

SENATE BILL REPORT

HB 1077

As Reported By Senate Committee On:
Natural Resources, Ocean & Recreation, March 21, 2007

Title: An act relating to the public disclosure of sensitive fish and wildlife data.

Brief Description: Modifying requirements concerning the public disclosure of sensitive fish and wildlife information.

Sponsors: Representatives Blake and Kretz.

Brief History: Passed House: 2/05/07, 95-0.

Committee Activity: Natural Resources, Ocean & Recreation: 3/15/07, 3/21/07 [DPA].

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Majority Report: Do pass as amended.

Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Morton, Ranking Minority Member; Fraser, Hargrove, Poulsen, Spanel, Stevens and Swecker.

Staff: Kim Johnson (786-7346)

Background: The Public Records Act mandates disclosure of public records unless the record falls under a specific exemption. Certain sensitive information relating to fish and wildlife is exempt from public disclosure. The Department of Fish and Wildlife (DFW) may, however, release this sensitive information to government agencies concerned with fish and wildlife resource management.

"Sensitive fish and wildlife data" include the following: (1) nesting sites or specific locations of endangered, threatened, or sensitive species; (2) radio frequencies used in, or locational data generated by, telemetry studies; or, (3) certain location data that could compromise the viability of a specific fish or wildlife population.

Summary of Bill: Sensitive fish and wildlife data may be released to the following entities and their agents for fish, wildlife, land management purposes, or scientific research needs:

- government agencies;
- public utilities;
- accredited colleges and universities;
- tribal governments; and
- the owner, lessee, or right-of-way or easement holder of the private land to which the data pertains.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The release of sensitive data may be subject to a confidentiality agreement. This requirement does not apply when the release of sensitive data is to an owner, lessee, or right-of-way or easement holder of private land who initially provided the data.

One of the criteria used to define certain location data that could compromise the viability of a specific fish or wildlife population is modified to provide that if a species has a history of malicious take the species must also have a particular behavior or ecology that makes it especially vulnerable in order for it to be considered sensitive data.

EFFECT OF CHANGES MADE BY RECOMMENDED AMENDMENT(S) AS PASSED COMMITTEE (Natural Resources, Ocean & Recreation): A technical correction was made to make the amended language grammatically correct within the structure of the section.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect on July 1, 2007.

Staff Summary of Public Testimony: PRO: Many large landowners hire biologists to collect some sensitive data that would be valuable to DFW scientists and we want to encourage data sharing between DFW and land owners by protecting that data from disclosure.

Our legal counsel has advised us in recent years that according to the statutes governing disclosure of sensitive wildlife data, disclosure of data to land owners to which the data pertains would not be permitted. This bill would address this issue and allow DFW to share data with landowners that have provided the department with data. The bill also clarifies that the exemption from public disclosure covers both fish and wildlife data.

Persons Testifying: PRO: Representative Blake, prime sponsor; Eric Cummins, DFW.